

SENATE JOURNAL OF THE IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SEVENTY-NINTH LEGISLATIVE DAY
TUESDAY, MARCH 28, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Bunderson, Cameron, Gannon, Pearce, Schroeder, Stegner, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Emily Kuhl, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 27, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 134

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND
REJECTING PENDING RULES OF THE STATE BOARD OF
EDUCATION GOVERNING THOROUGHNESS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain pending rules of the State Board of Education governing thoroughness are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.02.03, pending rules of the State Board of Education governing thoroughness, adopted as pending rules under Docket Number 08-0203-0506, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

SCR 134 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Pearce was recorded present at this order of business.

March 28, 2006

The JUDICIARY AND RULES Committee reports that S 1472, S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, S 1481, S 1482, S 1483, and SJR 108 have been correctly printed.

DARRINGTON, Chairman

S 1472, S 1482, S 1483 and SJR 108 were referred to the State Affairs Committee.

S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481 were referred to the Finance Committee.

March 27, 2006

The JUDICIARY AND RULES Committee reports that S 1266, as amended, S 1314, as amended, S 1327, S 1338, S 1339, S 1343, S 1350, as amended, S 1356, as amended, S 1412, as amended, S 1414, S 1428, S 1454, S 1455, SCR 125, SCR 126, SCR 129, SCR 130, and SJM 119 have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled S 1266, as amended, S 1314, as amended, S 1327, S 1338, S 1339, S 1343, S 1350, as amended, S 1356, as amended, S 1412, as amended, S 1414, S 1428, S 1454, S 1455, SCR 125, SCR 126, SCR 129, SCR 130, and SJM 119 and ordered them transmitted to the House for the signature of the Speaker.

Senators Bunderson, Schroeder, and Sweet were recorded present at this order of business.

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The JUDICIARY AND RULES Committee reports that Enrolled **S 1296, S 1297, S 1321, S 1331, S 1332**, as amended, **S 1351, S 1352, S 1353, S 1374, S 1379, S 1397**, and **S 1403** were delivered to the Office of the Governor at 2:10 p.m., March 27, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 27, 2006

The FINANCE Committee reports out **H 836, H 837, H 838**, and **H 839** with the recommendation that they do pass.

CAMERON, Chairman

H 836, H 837, H 838, and **H 839** were filed for second reading.

March 27, 2006

The JUDICIARY AND RULES Committee reports out **HCR 45** and **H 814**, as amended, with the recommendation that they do pass.

DARRINGTON, Chairman

HCR 45 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 814, as amended, was filed for second reading.

President Risch assumed the Chair.

March 28, 2006

The FINANCE Committee reports out **S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480**, and **S 1481** with the recommendation that they do pass.

CAMERON, Chairman

S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and **S 1481** were filed for second reading.

March 27, 2006

The STATE AFFAIRS Committee reports out **S 1472** with the recommendation that it do pass.

BURTENSCHAW, Chairman

S 1472 was filed for second reading.

Senator Stegner was recorded present at this order of business.

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Marc Brinkmeyer to the Lake Pend Oreille Basin Commission, term to expire July 24, 2008.

SCHROEDER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 28, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **H 736**, as amended, **H 737**, as amended, and **H 800** with the recommendation that they do pass.

SCHROEDER, Chairman

H 736, as amended, **H 737**, as amended, and **H 800** were filed for second reading.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 27, 2006

Mr. President:

I transmit herewith **HJM 25, HCR 64, H 844, HCR 65**, and **HCR 66** which have passed the House.

JUKER, Chief Clerk

HJM 25, HCR 64, H 844, HCR 65, and **HCR 66** were filed for first reading.

March 27, 2006

Mr. President:

I return herewith **S 1388, SJM 120, S 1415, SCR 128, S 1340**, as amended, **S 1386**, as amended, **S 1423**, as amended, and **S 1457** which have passed the House.

JUKER, Chief Clerk

S 1388, SJM 120, S 1415, SCR 128, S 1340, as amended, **S 1386**, as amended, **S 1423**, as amended, and **S 1457** were referred to the Judiciary and Rules Committee for enrolling.

March 28, 2006

Mr. President:

I transmit herewith Enrolled **H 801, H 802, H 803, H 804, H 805, H 743, H 808, H 809, H 810, H 811, H 812, H 813, H 650**, as amended, **H 776, H 648**, as amended in the Senate, and **H 624**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 801, H 802, H 803, H 804, H 805, H 743, H 808, H 809, H 810, H 811, H 812, H 813, H 650**, as amended, **H 776, H 648**, as amended in the Senate, and **H 624**, as amended in the Senate, and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Gannon was recorded present at this order of business.

The President announced that **HJM 22** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, **HJM 22** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

Senator Cameron was recorded present at this order of business.

The President announced that **HCR 62** was before the Senate for final consideration.

Moved by President Pro Tempore Geddes, seconded by Senator Stennett, that **HCR 62** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **HCR 62** adopted, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1484

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1485

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE OFFICE OF THE STATE BOARD OF EDUCATION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 56, TITLE 33, IDAHO CODE, TO PROVIDE FOR A SHORT TITLE, TO SET FORTH PURPOSES, TO PROVIDE DEFINITIONS, TO AUTHORIZE CREATION OF A MATHEMATICS AND SCIENCE SCHOLARSHIP EDUCATION FUND, TO PROVIDE FOR DETERMINATION OF THE NUMBER OF SCHOLARSHIPS AND TO PROVIDE FOR THE ADMINISTRATION OF THE SCHOLARSHIPS.

S 1486

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE IDAHO HOSPITAL CONTRIBUTION ACT; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 14, TITLE 56, IDAHO CODE, TO PROVIDE A SHORT TITLE AND SET FORTH LEGISLATIVE INTENT, TO DEFINE TERMS, TO ESTABLISH THE HOSPITAL CONTRIBUTION FUND, TO PROVIDE FOR CONTRIBUTIONS, TO PROVIDE FOR A REVIEW OF THE ANNUAL CONTRIBUTION AMOUNT, TO PROVIDE FOR INPATIENT AND OUTPATIENT ADJUSTMENT PAYMENTS, TO PROVIDE FOR TIMING OF PAYMENTS AND CONTRIBUTIONS, TO PROVIDE AN EXCEPTION, TO PROVIDE FOR MULTI-HOSPITAL LOCATIONS, HOSPITAL CLOSURES AND NEW HOSPITALS AND TO PROVIDE APPLICABILITY; AND PROVIDING A SUNSET DATE.

S 1484, S 1485, and S 1486 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HJM 25, by Ways and Means Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

HCR 64, by State Affairs Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

H 844, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

HCR 65, by Ways and Means Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

HCR 66, by Education Committee, was introduced, read at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1470 and **S 1471**, by Finance Committee, were read the second time at length and filed for third reading.

H 791, by Ways and Means Committee, was read the second time at length and filed for third reading.

S 1363, as amended in the House, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

S 1300, as amended, as amended in the House, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1464 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1464** passed, title was approved, and the bill ordered transmitted to the House.

S 1465 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1465** passed, title was approved, and the bill ordered transmitted to the House.

S 1466 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1466** passed, title was approved, and the bill ordered transmitted to the House.

S 1467 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1467** passed, title was approved, and the bill ordered transmitted to the House.

S 1389, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1389**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

S 1469 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1469** passed, title was approved, and the bill ordered transmitted to the House.

S 1441, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1441**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

H 713, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Goedde and Jorgenson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 713**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

The President called President Pro Tempore Geddes to the Chair.

H 561, as amended in the Senate, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 561**, as amended in the Senate, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 819 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 819** passed, title was approved, and the bill ordered returned to the House.

H 754 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 754** passed, title was approved, and the bill ordered returned to the House.

H 756 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 756** passed, title was approved, and the bill ordered returned to the House.

H 757 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Burtenshaw, Clark (Burkett), Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Schroeder, Stennett, Sweet, Williams. Total - 26.

NAYS--Brandt, Bunderson, Cameron, Compton, Hill, Little, Richardson, Stegner, Werk. Total - 9.

Total - 35.

Whereupon the President Pro Tempore declared **H 757** passed, title was approved, and the bill ordered returned to the House.

H 726 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Clark (Burkett), Coiner, Compton, Corder, Davis, Gannon, Goedde, Hill, Jorgenson, Keough, Langhorst, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Williams. Total - 26.

NAYS--Cameron, Darrington, Fulcher, Geddes, Kelly, Little, Lodge, Stegner, Werk. Total - 9.

Total - 35.

Whereupon the President Pro Tempore declared **H 726** passed, title was approved, and the bill ordered returned to the House.

H 744 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Burtenshaw, Clark (Burkett), Corder, Davis, Goedde, Keough, Langhorst, Malepeai, Marley, McGee, McKenzie, Pearce, Schroeder, Stennett, Williams. Total - 17.

NAYS--Andreason, Bunderson, Cameron, Coiner, Compton, Darrington, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Little, Lodge, Richardson, Stegner, Sweet, Werk. Total - 18.

Total - 35.

Whereupon the President Pro Tempore declared that **H 744** had failed to pass the Senate and ordered the bill returned to the House.

H 765 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burtenshaw, Clark (Burkett), Coiner, Compton, Corder, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Keough, Langhorst, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Williams. Total - 26.

NAYS--Bunderson, Cameron, Darrington, Geddes, Kelly, Little, Lodge, Stegner, Werk. Total - 9.

Total - 35.

Whereupon the President Pro Tempore declared **H 765** passed, title was approved, and the bill ordered returned to the House.

H 630, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Bunderson and Marley arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--Brandt, Fulcher, McKenzie, Sweet. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **H 630**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 817 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 817** passed, title was approved, and the bill ordered returned to the House.

H 818 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 818** passed, title was approved, and the bill ordered returned to the House.

H 826 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 826** passed, title was approved, and the bill ordered returned to the House.

H 827 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 827** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 828 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 828** passed, title was approved, and the bill ordered returned to the House.

H 663, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Compton and McGee arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 663**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 705, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and McKenzie arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 705**, as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:05 p.m. until the hour of 1:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Sweet, absent and formally excused by the Chair; and Senators Cameron and Fulcher, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

The President called Senator Compton to the Chair.

Senators Cameron and Fulcher were recorded present at this order of business.

H 735, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 735**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 758 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 758** passed, title was approved, and the bill ordered returned to the House.

H 731 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burtenshaw, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Williams. Total - 29.

NAYS--Bunderson, Cameron, Little, Stegner, Werk. Total- 5.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 731** passed, title was approved, and the bill ordered returned to the House.

H 784 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 784** passed, title was approved, and the bill ordered returned to the House.

H 829 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 829** passed, title was approved, and the bill ordered returned to the House.

H 830 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 830** passed, title was approved, and the bill ordered returned to the House.

H 831 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 831** passed, title was approved, and the bill ordered returned to the House.

H 750, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--Brandt, Fulcher, McKenzie. Total - 3.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 750**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 763 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 763** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 796 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Corder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--Bunderson. Total - 1.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 796** passed, title was approved, and the bill ordered returned to the House.

H 764 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 764** passed, title was approved, and the bill ordered returned to the House.

H 728 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 728** passed, title was approved, and the bill ordered returned to the House.

H 780 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 780** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 3 p.m. until the hour of 4 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Sweet, absent and formally excused by the Chair; and Senators Andreason, Broadsword, Cameron, Fulcher, Jorgenson, Keough, Marley, Schroeder, and Stennett, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Andreason, Broadsword, Cameron, Fulcher, Jorgenson, Keough, Marley, Schroeder, and Stennett were recorded present at this order of business.

H 781 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 781** passed, title was approved, and the bill ordered returned to the House.

H 474, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 474**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 745 was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Clark arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Werk, Williams. Total - 32.

NAYS--Little, Stegner. Total - 2.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 745** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1448, H 723, H 655, H 508, H 714**, as amended, and **H 770**, as amended in the Senate, without recommendation, amended as follows:

SENATE AMENDMENTS TO S 1448

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 17 through 43 and on page 2, delete lines 1 through 3 and insert:

"72-1502. MEMBERS. The president pro tempore of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives shall each designate one (1) member of the commission and the state chairmen of the two (2) largest political parties, determined by the vote cast for governor in the last gubernatorial election, shall each designate one (1) member of the commission. Appointing authorities should give consideration to achieving To provide geographic representation in appointments to the commission, no more than one (1) commission member residing in any single county may be appointed from each political party. If an appointing authority does not select the members within fifteen (15) calendar days following the secretary of state's order to form the commission, such members shall be appointed by the supreme court.

Should a vacancy on the commission occur during the tenure of a commission, the secretary of state shall issue an order officially recognizing such vacancy. The vacancy shall be filled by the original appointing authority within fifteen (15) days of the order. Should the original appointing authority fail to make the appointment within fifteen (15) days, the vacancy shall be filled by the supreme court.

No person may serve on the commission who:

(1) Is not a registered voter of the state at the time of selection; or

(2) Is or has been within one (1) year a registered lobbyist; or

(3) Is or has been within two (2) years prior to selection an elected official or elected legislative district, county or state party officer. The provisions of this subsection do not apply to the office of precinct committee person.

A person who has served on a commission for reapportionment shall be precluded from serving in either house of the legislature for five (5) years following such service on the commission."

AMENDMENT TO SECTION 2

On page 2, in line 35, delete "ninety (90)" and insert: "one hundred twenty (120)".

AMENDMENT TO SECTION 3

On page 2 delete lines 47 through 49 and insert: "to comply with all applicable federal standards and statutes."

On page 3, in line 8, delete "should shall" and insert: "should" and delete lines 11 through 15 and insert:

"(87) Counties shall not be divided to protect a particular political party or a particular incumbent."

CORRECTION TO TITLE

On page 1, delete lines 3 through 9 and insert: "AMENDING SECTION 72-1502, IDAHO CODE, TO PROVIDE THAT FOR

GEOGRAPHIC REPRESENTATION IN APPOINTMENTS TO THE COMMISSION, NO MORE THAN ONE COMMISSION MEMBER RESIDING IN ANY SINGLE COUNTY MAY BE APPOINTED FROM EACH POLITICAL PARTY; AMEND-".

SENATE AMENDMENT TO H 723

AMENDMENTS TO THE BILL

On page 1 of the printed bill, following line 12 insert:

"SECTION 1. That Chapter 5, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-523, Idaho Code, and to read as follows:

54-523. USE OF TERMINOLOGY LIMITED -- BARBER POLES. Only a person licensed pursuant to the provisions of this chapter may:

(1) Hold himself out to the public, solicit business or advertise as a licensed barber or as operating a licensed barbershop;

(2) Use the title or designation "barber" or "barbershop" under circumstances that would create or tend to create the impression to members of the general public that the person is a licensed barber or is operating a licensed barbershop; or

(3) Place a barber pole in a location that would create or tend to create the impression to members of the general public that a business located near the barber pole is a barbershop unless the business is a licensed cosmetological establishment that is leasing space to or employing a licensed barber. As used in this subsection (3), "barber pole" means a red and white striped vertical cylinder with a ball located on top of the cylinder or any object of a similar nature, regardless of its actual shape or coloring, that would create or tend to create the impression to members of the general public that a business located near the object is a barbershop."; and renumber subsequent sections of the bill accordingly.

CORRECTION TO TITLE

On page 1, in line 2, delete "COSMETOLOGY;" and insert: "PROFESSIONS, VOCATIONS AND BUSINESSES; AMENDING CHAPTER 5, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-523, IDAHO CODE, TO RESTRICT THE USE OF CERTAIN TERMINOLOGY AND BARBER POLES;"

SENATE AMENDMENTS TO H 655

AMENDMENTS TO SECTION 2

On page 3 of the printed bill, in line 14, delete "twenty percent (20%)" and insert: "fifteen percent (15%)"; in line 15, following "business" insert: "regulated by this chapter"; in line 27, delete "and"; and in line 36, delete "coverage." and insert: "coverage; and

(v) Offer the new products at rates that comply with section 41-4706(1)©, Idaho Code."

AMENDMENTS TO SECTION 3

On page 4, in line 36, delete "twenty percent (20%)" and insert: "fifteen percent (15%)"; in line 37, following "business" insert: "regulated by this chapter"; in line 48, delete "and"; and in line 51, delete "coverage." and insert: "coverage; and

(v) Offer the new products at rates that comply with section 41-5206(1)(b), Idaho Code."

SENATE AMENDMENT TO H 508

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 8 through 43, and on page 2 delete lines 1 through 53 and insert:

"SECTION 1. That Chapter 8, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-802B, Idaho Code, and to read as follows:

63-802B. TRUTH IN TAXATION -- NOTICE OF INCREASES IN PROPERTY TAXES. (1) No taxing district shall certify to the board of county commissioners or to the state tax commission an amount of property tax revenues to finance its annual budget that exceeds by more than three percent (3%) of the amount of the property tax rate or of the property tax revenues certified to finance that district's annual budget for the tax year preceding the current tax year until the taxing district shall advertise its intent to adopt such a budget or increase in tax rate in a newspaper qualified for publication of legal notices by that taxing district under section 60-106, Idaho Code.

(2) The notice shall be published in a prominent location in the main news section of the newspaper once each week for the two (2) weeks preceding the date, if any, of the budget hearing set pursuant to section 63-802A, Idaho Code, or if no budget hearing is required, the adoption of the final budget.

(3) The notice shall include:

(a) A prominent bold typeface heading in type larger than the text of the notice, the words: "NOTICE OF TAX INCREASE,(name of taxing district)....". The taxing district shall supply an estimate in the notice for typical homes with a one hundred thousand dollar (\$100,000) taxable value, typical farms with a one hundred fifty thousand dollar (\$150,000) taxable value and typical businesses with a two hundred thousand dollar (\$200,000) taxable value, all valued during the past tax year with the following estimates: last year's taxable value, this year's estimated taxable value, last year's actual taxes and this year's estimated taxes. The taxing district may consult with the state tax commission in obtaining necessary estimates for purposes of this notice.

(b) The fact that the taxing district has proposed to increase the amount of property tax revenue to fund its annual budget and the percentage of the increase over the prior year's budget;

© The total amount of property tax revenue certified and approved by the district under section 63-803, Idaho Code, for the prior year and the total amount proposed to be so certified for the current year; and

(d) The time and place of the district's budget hearing, if a hearing is required, that the hearings shall be open to the public, and, whether or not a hearing is required, the means by which any person may submit written comments on the budget at or before the time of the hearing.

(4) As used in this section, the term "amount of property tax revenues" means the amount determined without regard to amounts applicable to voter approved levies. The amount of property tax revenues to finance an annual budget does not include revenues from nonproperty tax sources, and does not include revenue from levies that are voter approved for bonds, override levies or supplemental levies, plant facilities reserve fund levies, school emergency fund levies or for levies applicable to newly annexed property or for levies applicable to new construction as evidenced by the value of property subject to the occupancy tax pursuant to section 63-317, Idaho Code, for the preceding tax year. As used in

this section "taxing district" means any county, any political subdivision of the state, any municipal corporation, including specially chartered cities, any school districts, including specially chartered school districts, any quasi-municipal corporation, or any other public corporation authorized by law to levy taxes, now or hereafter organized.

(5) Alternatively to the required newspaper notice, a taxing district may substitute a single mailing notice to all district residents, providing that the same information is given and providing that the notice shall be mailed at least fourteen (14) days before the budget hearing set pursuant to section 63-802A, Idaho Code, or if no budget hearing is required, the adoption of the final budget.

(6) The state tax commission may by rule establish additional requirements relating to content or form of the notice required by this section.

(7) No direct or collateral action attacking or otherwise questioning the validity of any notice under this section shall be brought in any court by any person for any cause whatsoever, after the expiration of thirty (30) days from the adoption of the budget to which the notice related and the regularity of such notice shall be conclusively presumed.

SECTION 2. That Section 63-308, Idaho Code, be, and the same is hereby amended to read as follows:

63-308. VALUATION ASSESSMENT NOTICE TO BE FURNISHED TAXPAYER. (1) The valuation assessment notice required under the provisions of this chapter shall be delivered to the taxpayer, or to his agent or representative, or mailed to the taxpayer, or to his agent or representative at his last known post office address no later than the first Monday in June. The original valuation assessment notice so mailed or delivered must contain notices of all meetings of the board of equalization prescribed by this title for the purposes of equalizing assessments of property, and for granting exemptions from taxation. The notice shall, in clear terms, inform the taxpayer of the assessed market value for assessment purposes of his property for the current year, and his right to appeal to the county board of equalization. The notice, at a minimum, shall show last year's assessed market value for assessment purposes of the property, this year's assessed market value for assessment purposes, last year's actual taxes and this year's estimated taxes. The state tax commission may require that other data or information be shown on the form.

(2) In case any changes or corrections are made by the assessor from the original valuation assessment notice, the assessor shall immediately deliver or mail a corrected valuation assessment notice to the taxpayer, or his agent or representative.

(3) If the taxpayer is one other than the equitable titleholder, such as an escrowee, trustee of trust deed or other third party, the taxpayer shall deliver to the equitable titleholder a true copy of the valuation assessment notice on or before the second Monday in June.

(4) For property entered and assessed on the subsequent property roll pursuant to section 63-311, Idaho Code, the valuation assessment notice shall be delivered to the taxpayer, his agent or representative, or mailed to the taxpayer, or to his agent or representative at his last known post office address as soon as possible after it is prepared, but not later than the fourth Monday in November.

(5) For property entered and assessed on the missed property roll pursuant to section 63-311, Idaho Code, the valuation

assessment notice shall be delivered to the taxpayer, his agent or representative, or mailed to the taxpayer, or to his agent or representative at his last known post office address as soon as possible after it is prepared, but not later than the first Monday of January of the following year.

SECTION 3. This act shall be in full force and effect on and after January 1, 2007."

CORRECTION TO TITLE

On page 1, delete lines 2 through 6 and insert:

"RELATING TO BUDGETS OF TAXING DISTRICTS; AMENDING CHAPTER 8, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-802B, IDAHO CODE, TO REQUIRE NOTICE OF PROPOSED PROPERTY TAX BUDGET INCREASES OR PROPERTY TAX RATE INCREASES OF TAXING DISTRICTS BEYOND A CERTAIN LEVEL, TO PROVIDE REQUIREMENTS FOR THE NOTICE, TO DEFINE TERMS, TO PROVIDE ALTERNATIVES TO NEWSPAPER NOTICE, TO PROVIDE FOR STATE TAX COMMISSION RULES AND TO LIMIT LEGAL ACTIONS TO CERTAIN TIME PERIODS AFTER THE ADOPTION OF A TAXING DISTRICT'S BUDGET TO WHICH THE NOTICE RELATED AND THE REGULARITY OF SUCH NOTICE SHALL BE CONCLUSIVELY PRESUMED; AMENDING SECTION 63-308, IDAHO CODE, TO PROVIDE ADDITIONAL INFORMATION ON THE VALUATION ASSESSMENT NOTICE FURNISHED TO THE PROPERTY TAXPAYER; AND PROVIDING AN EFFECTIVE DATE."

SENATE AMENDMENT TO H 714, As Amended AMENDMENTS TO SECTION 1

On page 1 of the engrossed bill, in line 40, delete "in order to participate" and insert: "for the sole purpose of participating"; on page 2, delete lines 1 through 3 and insert:

"(a) To modify by rule the license renewal dates set forth in section 26-3111(3) and (4), Idaho Code"; in line 4, following "establish" insert: "by rule"; and in line 21, delete "(d) Nothing in" and insert:

"(3) Nothing in subsection (2) of".

SENATE AMENDMENT TO H 770 AMENDMENT TO THE BILL

On page 2 of the printed bill, delete lines 33 through 53 and delete page 3.

CORRECTION TO TITLE

On page 1, in line 4, delete "; AND AMENDING SECTION"; and delete lines 5 and 6 and insert: ".".

The Committee also has S 1387 and S 1241 under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

S 1448, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 723, as amended in the Senate, **H 655**, as amended in the Senate, **H 508**, as amended in the Senate, **H 714**, as amended, as amended in the Senate, and **H 770**, as amended in the Senate, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:20 p.m. until the hour of 10 a.m., Wednesday, March 29, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary